

REMARKS

Claim 1 has been amended to precisely recite that in the recessed area in the interior of the filter plate of the present invention, the ratio between the longest dimension and the shortest dimension of each supporting element is a maximum of 1.5 in the cross-section parallel to the filtration surface of the filter plate. This limitation is supported by the description of the supporting elements in the specification of the present application on page 4, lines 19-22.

Claim Rejections - 35 USC § 103

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppe (U.S. Patent No. 5,730,869) in view of Hindstrom et al. (U.S. Patent No. 4,981,589).

Applicants respectfully submit that the proposed modification of Koppe will not result in the microporous filter plate of the present invention because the spacers of Koppe do not each have a ratio between the longest dimension and the shortest dimension that is a maximum of 1.5 in the cross-section parallel to the filtration surface of the filter plate.

Specifically, Fig. 2 of Koppe shows that at least some of the spacers are very narrow and long and clearly have a ratio between the longest dimension and the shortest dimension in excess of 1.5.

In the embodiment of Fig. 2a, all of the spacers are narrow and long and exceed the required longest dimension to shortest dimension ratio of the claims of the present application.

Koppe also describes that the "space available outside the components (i.e., spacers) is preferably in the form of communicating canals" (Col. 2, lines 40 - 51). This description indicates that the spacers are arranged so that liquid flows easily only in some directions and thus teaches away from supporting elements which would meet the ratio of dimensions of the supporting elements recited in the claims of the present application.

For the above reasons, the combination of Koppe and Hindstrom et al. will not result in the microporous filter plate of the present invention and does not support a rejection of the claims under 35 U.S.C. § 103(a). Removal of the 35 U.S.C. § 103(a) rejection is in order and is respectfully solicited.

The foregoing is believed to be a complete and proper response to the Office Action dated September 16, 2008, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

PATENT APPLN. NO. 10/527,459
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
NON-FINAL

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik
Reg. No. 25,401

Crystal Gateway 3
Suite 1105
1215 South Clark Street
Arlington, VA 22202
Tel: (703) 412-9494
Fax: (703) 412-9345
RJK/ff